

Appl. No. 10/634,890
Amdt dated Jan. 4, 2005
Reply to Office action of Oct. 4, 2004

REMARKS

Claims 21-33 are presently in the application. Claims 1-20 have been canceled.

New claim 21 contains the features of original claims 1, 2 and 19. New claim 30 includes the features of original claims 1, 2, 9 and 14. New claim 33 includes the features of original claims 1 and 2 and additionally includes the feature described in the specification that a safety valve disposed in the region of the roof of the vehicle can be opened by the control unit to reduce the gas concentration in the occupied space as a function of the gas concentration ascertained by the sensor. See spec., para. [0014].

Reconsideration of the rejection of the claims under 35 U.S.C. 102(b) as anticipated by Osborne and under 35 U.S.C. 103(a) as unpatentable over Osborne in view of Strobi et al is respectfully requested.

Independent claim 21 includes the feature described in the specification (para. [0016]) that depending on the risk assessment performed by the control unit 7, if there is an especially high, dangerous concentration of hydrogen gas, it is possible for safety reasons for the control means 8 also to be triggered by the control unit 7 (steps 23, 26), in such a way that the entire power supply to the vehicle 1 is interrupted.

Independent claim 30 includes the feature described in the specification (para. [0013]) that fresh-air valve 3 can be triggered by the control unit 7 in such a way that the entry of outside air to the passenger compartment of the vehicle 1 is suppressed, at least until such time as the output signal of the sensor 2 signals that hydrogen gas is no longer detected.

Independent claim 33 includes the feature described in the specification (para. [0014]) that a safety valve disposed in the region of the roof of the vehicle can be opened by the control unit (7) to reduce the gas concentration in the occupied space as a function of the gas concentration ascertained by the sensor (6).

To support a rejection of a claim under 35 U.S.C. 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Osborne fails to teach or suggest a safety system for a vehicle including: (1) power control means responsive to the control unit (16) operable to interrupt the power supply to the vehicle as a function of the potential danger based on the gas concentration ascertained by the sensors (18/20) as required by claim 21; (2) a sensor disposed outside the passenger compartment of the vehicle, wherein, when a harmful concentration of hydrogen gas is measured in the engine compartment of the vehicle by the sensor, the control unit triggers at least a fresh-air valve in such a way that it is in the closed position as required by claim 30; or (3) a safety valve disposed in the region of the roof of the vehicle that can be opened by the control unit (16) to reduce the gas concentration in the occupied space as a function of the gas concentration ascertained by the sensor (18) as required by claim 33. Therefore, Osborne does not anticipate claims 21, 30 or 33 or the claims dependent thereon.

Strobi et al also fails to teach or suggest a safety system for a vehicle including: (1) power control means responsive to the control unit (16) operable to interrupt the power supply to the

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vehicle as a function of the potential danger based on the gas concentration ascertained by the sensors (18/20) as required by claim 21; (2) a sensor disposed outside the passenger compartment of the vehicle, wherein, when a harmful concentration of hydrogen gas is measured in the engine compartment of the vehicle by the sensor, the control unit triggers at least a fresh-air valve in such a way that it is in the closed position as required by claim 30; or (3) a safety valve disposed in the region of the roof of the vehicle that can be opened by the control unit (16) to reduce the gas concentration in the occupied space as a function of the gas concentration ascertained by the sensor (18) as required by claim 33.

To establish prima facie obviousness of a claimed invention under 35 U.S.C. 103, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

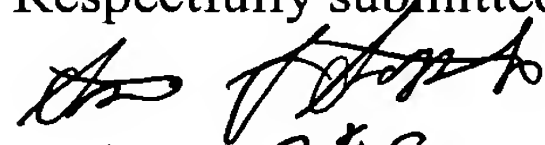
Neither Osborne nor Strobi et al teaches or suggests a safety system for a vehicle including: (1) power control means responsive to the control unit (16) operable to interrupt the power supply to the vehicle as a function of the potential danger based on the gas concentration ascertained by the sensors (18/20) as required by claim 21; (2) a sensor disposed outside the passenger compartment of the vehicle, wherein, when a harmful concentration of hydrogen gas is measured in the engine compartment of the vehicle by the sensor, the control unit triggers at least a fresh-air valve in such a way that it is in the closed position as required by claim 30; or (3) a safety valve disposed in the region of the roof of the vehicle that can be opened by the control unit (16) to reduce the gas concentration in the occupied space as a function of the gas concentration ascertained by the sensor (18) as required by claim 33.

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Accordingly, claims 21, 30 and 33 are not rendered obvious by the combined teachings of Osborne and Strobi et al.

Entry of the amendment and allowance of the claims is respectfully requested.

Respectfully submitted,

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